

Charles M. Walker

U.S. Bankruptcy Judge

Dated: 11/20/2018



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

CYNTHIA FOSTER BROWNING

SSN: XXX-XX-6229

3518 WHITEBUD LANE

MURFREESBORO, TN 37128

Debtor

CHAPTER: 13

CASE NO.: 15-09120

JUDGE: WALKER

**ORDER GRANTING DEBTOR'S AMENDED MOTION TO UTILIZE INSURANCE PROCEEDS  
TO PAY SECURED CLAIM AND REQUIRE RELEASE OF LIEN, MODIFY CHAPTER 13  
PLAN, AND INCUR DEBT**

THIS MATTER IS BEFORE THE COURT upon the Debtor's Motion to Utilize Insurance Proceeds, Modify Chapter 13 Plan, and Incur Debt, with notice of proposed action having been given to all necessary parties pursuant to Local Rule 9013-1. It appearing that no objection had been filed in writing within twenty-one (21) days of the filing of the proposed action, the Motion is GRANTED and the Plan shall be modified as follows:

1. The Debtor shall utilize insurance proceeds in the amount of \$9,839.55 from Allstate Auto Insurance. The Debtor shall use a portion of the proceeds to pay the remaining claim of Insolve Auto Funding in the amount of \$8,473.86 (11/2018) and use the remaining proceeds in the amount of \$1,365.69 as a down payment on a replacement vehicle. The amount of the remaining claim of Insolve Auto and the excess funds payable to the Debtor are subject to change after receipt of additional payments from the Chapter 13 Trustee during the pendency of this Motion. Counsel for the Debtor shall update these amounts accordingly in the submitted order granting this application.

2. Allstate Auto Insurance Insurance shall issue two (2) separate checks, one payable to Insolve Auto Funding in the amount of \$8,473.86 and mailed c/o Capital Recovery Group, Dept. 3403, PO Box 123403, Dallas, TX, 75312-3403, to be earmarked for the final payment on its claim. The

Trustee shall cease all payments on the claim to Insolve Auto Funding (ECF Claim #9). The amount of the remaining claim of Insolve Auto and the excess funds payable to the Debtor are subject to change after receipt of additional payments from the Chapter 13 Trustee during the pendency of this Motion. Counsel for the Debtor shall update these amounts accordingly in the submitted order granting this application.

3. The second check for excess proceeds shall be made payable to the Debtor in the amount of \$1,365.69 and mailed directly to her to be used as a down payment on a replacement vehicle.

4. Insolve Auto Funding shall release the lien on the title of the destroyed 2013 Hyundai Elantra, and remit same to Allstate Auto Insurance Auto Claims, Copart 45491758, PO Box 1170, Lebanon, TN 3708 to allow Allstate Auto Insurance to dispose of the salvage.

5. Insolve Auto Funding shall execute all necessary forms to complete this transaction as quickly as possible.

6. Debtor's plan payments shall be reduced from \$807.00 monthly to \$407.00 monthly by only removing the claim of Insolve Auto Funding. The dividend of one hundred percent (100%) and the base amount shall remain the same.

7. Debtor shall incur debt with a principal amount of no more than \$20,000.00, with an interest rate of no more than 22% and a monthly payment of no more than \$400.00.

IT IS SO ORDERED.

*THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED  
AT THE TOP OF THE FIRST PAGE.*

APPROVED FOR ENTRY:

/s/ Mary Beth Ausbrooks  
Mary Beth Ausbrooks  
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This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.  
United States Bankruptcy Court.